

**Cultural Resources Management Plan
Hells Canyon Complex
Prepared by Mark Druss and Lorraine Gross
Technical Report Appendix E.4-15**

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1. INTRODUCTION

This is a proposed draft Cultural Resource Management plan for long term management of the archaeological, historical, and cultural resources in the Hells Canyon Complex.

2. CONCLUSION

The CRMP applies to cultural resources on, eligible, or "potentially eligible" for the National Register. It describes existing conditions for cultural resources, includes National Register evaluations, and describes impacts to the resources. "The CRMP provides for the protection of historic properties from shoreline erosion, ground-disturbing activities, and vandalism." Some management activities include monitoring, site stabilization, data recovery, and interpretive development.

RECOMMENDATION: The CRMP should be revised with BLM participation and concurrence, prior to implementation. This should be a condition of the Programmatic Agreement.

Specific Comments: This is the first time BLM has seen this CRMP. Additional comments and recommendations on the draft CRMP are also provided under the BLM's cultural resource key issues and E.4 Historic Report review.

Page 3-5: "A number of federal laws and regulations pertain to this CRMP. This section briefly summarizes the most pertinent."

No mention is made of the Federal Land Policy and Management Act which compels the federal agencies to manage all cultural resources (until deemed not worthy of management action), not just those determined eligible under NHPA. FLPMA should be in the list of key laws for the CRMP. In accordance with FLPMA, sites on BLM lands that do not qualify as historic properties or potentially eligible properties will be managed in accordance with BLM Manual 8100.

Page 13: "In some cases, the BLM mandated, as an ARPA permit stipulation, communication between tribes and contractors, and incorporation of tribal material in a final report."

The stipulations referred to were attached to a FLPMA cultural use permit for inventory, this was not an ARPA permit. No ARPA permits were issued by BLM

Page 16: "Nevertheless, for management purposes the CRMP treats the hydropower projects and traditional Native American plant resources as if they were National Register-eligible."

It is not clear how "resources" per se could fit a property definition for the National Register, unless they have a specific geographic location.

Page 36: Brownlee Reservoir Drawdown Surveys

Based on a review of drawdown zone survey maps, BLM questions whether all draw down areas with potential for cultural resources were inventoried along Brownlee Reservoir and the Powder River arm.

Page 44-45: Traditional Cultural Properties

Is it the conclusion of this section that there are no eligible traditional cultural properties as defined by National Register Bulletin 38 in the area of potential effects? BLM believes that the identification and National Register eligibility evaluations of traditional cultural properties or sacred sites are incomplete.

Page 47: "Not all of these effects are tied to project-related actions; but it may not be immediately apparent whether, for example, bank erosion is caused by pool fluctuations, or wave action caused by the wind or boat wakes."

Pool fluctuations, and wave action caused by wind and boat wakes, resulting in bank erosion are all project-related actions.

Page 51: "Potential impacts from activities which are directly or indirectly related to the Hells Canyon Project include shoreline erosion, ground-disturbing activities resulting from PM&E activities directed toward other resources, and vandalism."

This list of potential impact is not inclusive enough and fails to recognize that there are ground disturbing actions associated with dispersed recreation not necessarily tied to a PM&E directed action. Dispersed recreation activities are project-related impacts and include but are not limited to off-road vehicle travel, campsite preparation, campfire building, digging holes for disposal of garbage and human waste. Applicant should revise this section to reflect the full array of potential impacts that are project-related.

Page 51: "As a site protection goal, the Company favors protection-in-place rather than data recovery excavations for National Register quality historic properties or traditional cultural resources that could be adversely affected by project-related actions."

BLM agrees that in place preservation is preferred where it is feasible and where the protection afforded results in no adverse effect.

Page 52: "Locate, Record, and Evaluate Previously Unrecorded Cultural Resources"

In addition to inventories for new "construction", Applicant should conduct periodic inventories of unsurveyed drawdown areas, and areas where visibility conditions improve over the conditions at the time of original survey.

Page 52: "The Company will consult with the Idaho and Oregon SHPOs and tribes, to determine suitable media and text, and to design appropriate messages."

Applicant should also consult with federal agencies on interpretation, if federal lands are involved.

Page 53: "The cultural resources manager, cultural resources program coordinator, or Terrestrial group supervisor are the primary points for contact regarding cultural resources....."

Since individual personnel are likely to change over the term of the license, this section of the CRMP should specify that the cultural resource manager and cultural resource program coordinator will be staffed by qualified professional archaeologists.

Page 53-54: Consultation: "If the proposed action is on federal land, the cultural resources manager will consult with the Idaho and/or Oregon SHPO, who will have 30 days to express concerns, and also with the federal agency affected (eg., the BLM or USFS), who will have the same 30 days (cf. 36 CFR 800.3(c)(4)). The federal agency will conduct consultation with the appropriate Native American tribes (s), as this would enter the realm of government-to-government consultation. The federal agency will have 45 days to express concerns, including soliciting and receiving input from Native Americans."

BLM disagrees. The 36 CFR 800 regulation cited by Applicant for the 30 day time frame for BLM to respond to Applicant is not relevant, since that part pertains to consultation between an agency official and SHPO/THPO - Applicant is neither of those. Most importantly, Applicant proposes to impose upon a federal agency a 45 day time frame for government-to-government consultation with Tribal governments. In the absence of a mutually negotiated agreement between BLM and a Tribe on this particular matter, the BLM cannot unilaterally accept a 45 day tribal consultation time frame for actions under this CRMP.

While Applicant is entitled to a timely and reasonable response to proposed actions, it would be more in the spirit of consultation for Applicant to recognize that consultation time frames should be mutually negotiated and agreed upon. BLM recommends that Applicant modify this portion of the consultation protocol, and simply state that consultation time frames shall be mutually developed by all interested parties under the terms of the Programmatic Agreement. In all cases, it is important for the Applicant to provide information about proposed actions very much in advance. For example, Applicant and BLM should discuss specific methods for early identification, scoping and coordination on projects.

Page 54: "As an example of consultation, during pre-licensing meetings, the CRWG developed a series of guidelines for recommended actions should monitoring show that cultural resources are being adversely affected by river erosion. These are presented in Appendix 4.3-B...."

Additional explanation and refinement of these guidelines is badly needed. There should be quantifiable measures for identifying change and loss and acceptable limits. It is not apparent on the surface why a lithic scatter without deposit, with broken artifacts, would trigger collection but "more artifacts discovered" would not - especially on a site with no deposit. How is "no deposit" defined? and how is it possible to stabilize a superficial deposit or why would that be needed? The concept is good, but needs further development and should also be applicable to other impacts, such as recreation actions.

Page 55: "Figure 4.3-B illustrates not only the process to determine if effects are impacting the National Register qualities of the site...but also the process for arriving at the sites' monitoring status."

The impact assessment process should include measures and definitions that would allow different monitors to quantify and consistently distinguish between different levels of impacts.

Page 57: "Discovery of Previously Unidentified Properties During Project Activities"
Discovery of previously unidentified properties on BLM lands will require consultation with the BLM.

Page 59: "The Company will not make judgments about the tribal or cultural affiliation of any such remains, which is to be determined by the lead federal agency and the Idaho and Oregon SHPO, in consultation with Native American representatives."
It is not clear if "lead federal agency" refers to FERC, BLM, or USFS.

Page 60-67: Monitoring

See BLM comments on monitoring in the BLM Key Issues review and Exhibit E.4 review.

Page 89: "The acquisition of land to protect wildlife habitats would probably have a beneficial effect on cultural resources, requiring no mitigation."
However, it would be prudent to inventory newly acquired lands for cultural resources and incorporate them into the management plan.

Page 99: "Recreation Proposed PM&Es - Not yet Available"
However, there appear to be both general and specific proposed recreation PM&Es included in the draft license application under the recreation reports.

Page 253: CRWG Work Group Summary

Please revise your table to show that Oregon BLM attended the full day session in Boise on September 11, 2001.